

**Amendments to the Drawings**

In accordance with 37 CFR § 1.121(d)(1), attached hereto are two annotated sheets depicting changes made to drawing Figures 1-4. The attached Figures 1 and 2 have been amended for clarity and to comply with 37 CFR § 1.84 (o) by adding the "PRIOR ART" legend. Figures 2 and 4 have been amended to correct the depiction of rollers 7, 8 and 7', 8'.

Also attached hereto are two replacement sheets of drawings, incorporating the changes made to Figures 1-4, which replace the sheets originally submitted with the application.

**Remarks**

Reconsideration and allowance of this application, as amended, are respectfully requested.

The written description portion of the specification, claims 1-3, the abstract of the disclosure, and the drawings have been amended. Claims 4-8 have been added. Claims 1-8 are now pending in the application. Claims 1 and 4 are independent. The objections and rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

The specification has been editorially amended for conformance with 37 CFR § 1.77(c), for consistency, and to correct any informalities. The abstract has been editorially amended for conformance with 37 CFR § 1.72(b). The drawing figures have been amended as described above in the "Amendments to the Drawings" section. More specifically, Figures 2 and 4 have been amended to correct the depiction of rollers 7, 8 and 7', 8' by deleting what appears to be a shaft that inadvertently connects rollers 7, 8 and rollers 7', 8'.

Claim 1 has been amended to overcome both the objection to the informalities and the grounds of rejection under 35 U.S.C. § 112, second paragraph. Claims 1-3 have been amended still further to more fully comply with U.S. practice. New claims 4-8 have been added to further define the scope of protection sought

for Applicants' invention. Entry of each of the amendments is respectfully requested.

35 U.S.C. § 103(a) - Niemeyer

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over "admitted prior art" (i.e., DE 199 35 117 identified in the specification, hereinafter "DE '117") in view of U.S. Patent No. 3,043,199 to Niemeyer. The examiner acknowledges that "the APA does not teach to offset the gluing stations in the direction of the transport axis" (Office Action page 4).

The rejection of claim 1 under § 103(a) based on DE '117 and Niemeyer is respectfully traversed. For at least the following reasons, the combined disclosures of DE '117 and Niemeyer would not have rendered obvious Applicants' claimed invention.

By way of review, Applicants' claimed bottoming device includes a gluing station in which the folded end portions of each bag are perpendicular to the plane of the main body of the bag during the gluing process. The instant invention addresses the problem of short bag sizes and opposed gluing stations in which the counterpressure rollers hinder each other because of their spatial expansion (see specification page 2). This problem is solved by offsetting the location of the gluing stations (see, e.g., the configuration depicted in Figure 3).

The combined disclosures of DE '117 and Niemeyer do not teach all of Applicants' claim features because Niemeyer fails to

rectify the above-described deficiency of DE '117. Niemeyer discloses an apparatus for manufacturing cross-bottomed valve bags. Niemeyer is aware of the problem that simultaneous operations on both sides of the bag cannot be performed if the bags are too short in relation to their width. In this context, the gluing station of these kinds of machines causes problems when the folded end portions of each bag overlap each other (column 1, lines 21-26). By way of background information, Niemeyer mentions that this problem can be addressed by folding the end portions of each blank in planes that are perpendicular to the plane of the main body of the bag (column 1, lines 33-38). This knowledge makes it possible to simultaneously close both end portions of the bag during the gluing process. But that is not Niemeyer's method of manufacture. Instead, Niemeyer teaches a machine in which the end portions of the bags are glued while in the lying flat state (i.e., the planes of the end portions of the bag and the main bag body are parallel) by offsetting the gluing stations (column 4, lines 6-12).

That is not Applicants' claimed invention, in which the folded bottoms lie essentially *orthogonal* to the plane of the tube segment *and* in which "the function pairs are mutually offset in the sack transport direction."

Furthermore, there is simply no teaching in either DE '117 or Niemeyer that would have led one to select the references and combine them in a way that would result in the bottoming device defined by Applicants' claim 1.

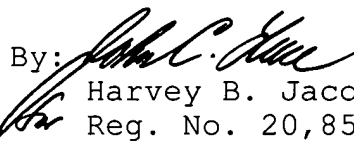
Therefore, the combined disclosures of DE '117 and Niemeyer would not have rendered obvious the device defined by claim 1. Claims 2 and 3 are allowable because they depend from claim 1, and for other reasons.

New claims 4-8 have been added to further define the scope of protection sought for Applicants' invention. New claims 4-8 are also allowable. Since independent claim 4 includes at least the features discussed above with respect to the rejection over DE '117 and Niemeyer, the references neither anticipate nor would have rendered obvious the device defined by any of claims 4-8.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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Fig. 1

~~State of the art~~  
*PRIOR ART*

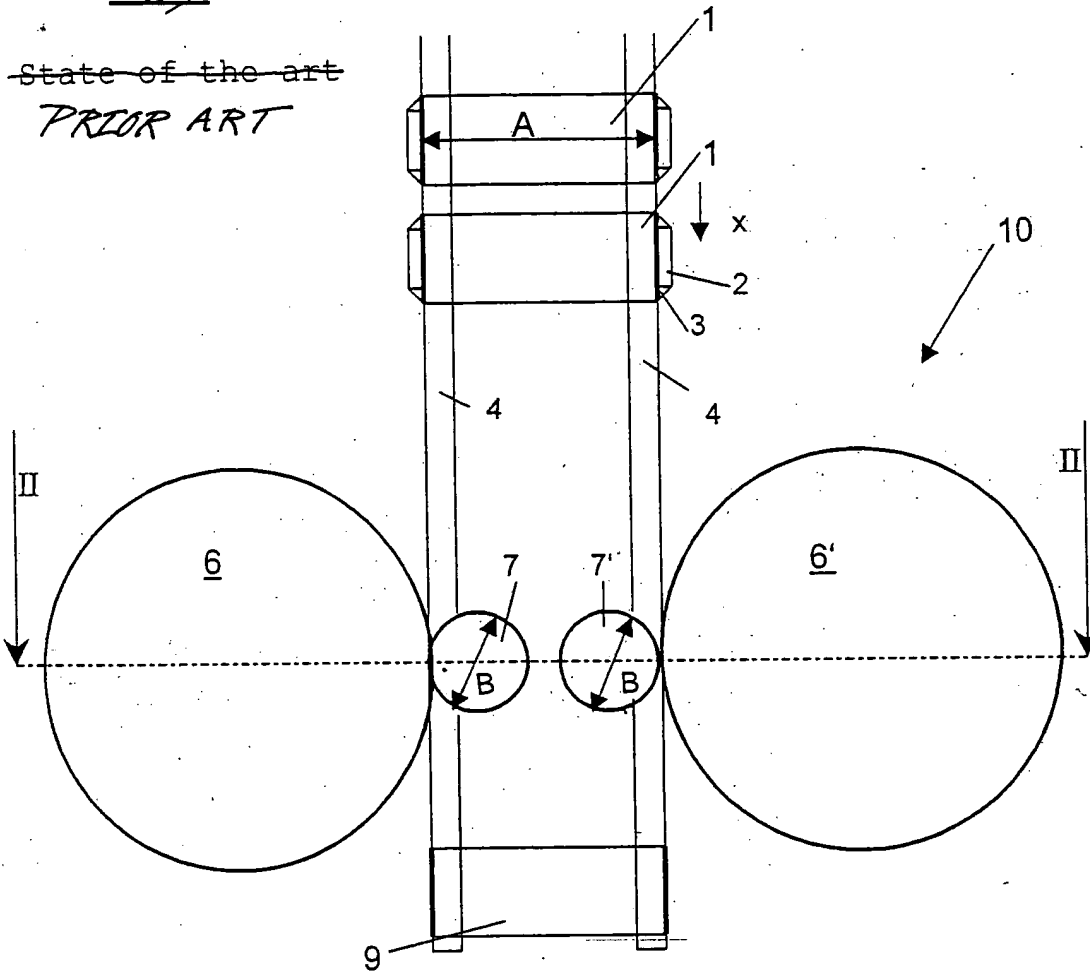


Fig. 2

~~State of the art~~  
*PRIOR ART*

II - II

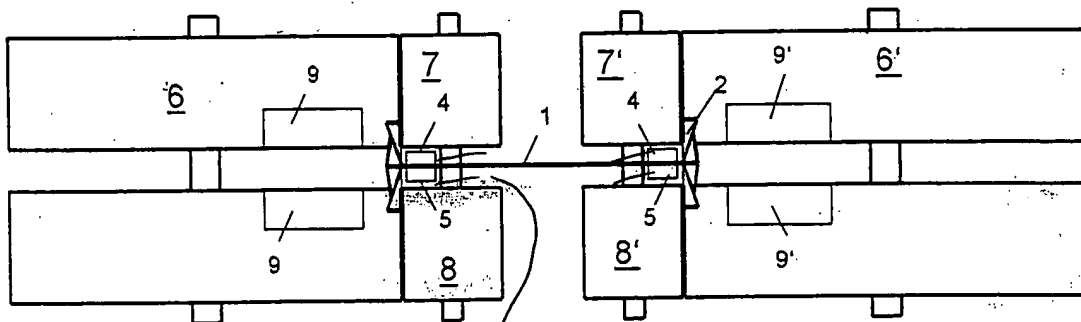


Fig. 3

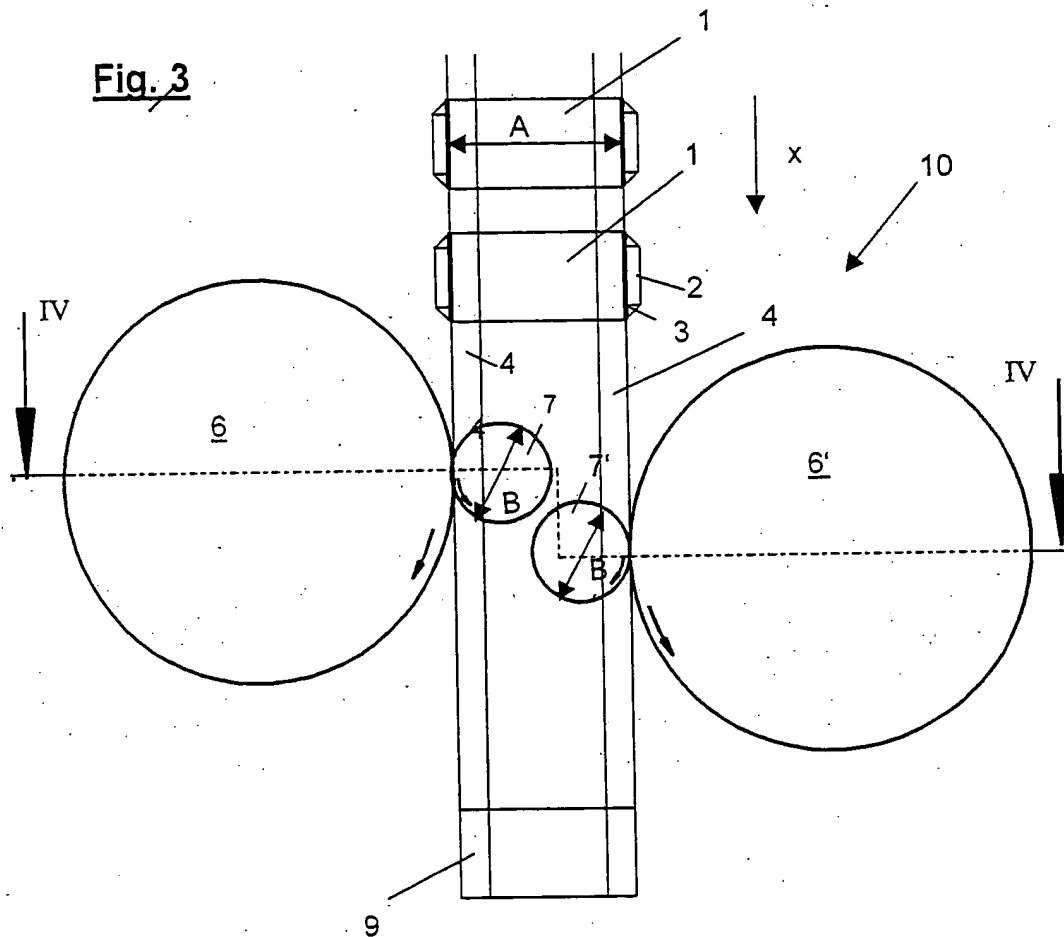


Fig. 4

